

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Jason Bucchanon**
Docket No. **284725**
L.C. No. **98-074224 FH**

Henry William Saad, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The application for leave to appeal filed April 8, 2008, is DISMISSED for lack of jurisdiction. The appellant's direct appeal was concluded when the Supreme Court denied an application for leave to appeal on September 26, 2000, in No. 225268. Until 2004, post-appeal challenges to the accuracy of a presentence report could only occur by way of a motion for relief from judgment. See the prior version of MCR 6.429(C). Thus, the lower court motion filed by defendant on October 1, 2001, was a motion for relief from judgment. See, *People v Mehall*, 454 Mich 1 (1997). Consequently, the motion for relief from judgment filed in 2006 was a successive motion for relief from judgment as to which defendant does not allege a retroactive change in the law or newly discovered evidence under MCR 6.502(G)(1). Thus, this application for leave to appeal must be dismissed.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN - 5 2008

Date

Sandra Schultz Mengel

Chief Clerk